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12 **Attorneys for Defendants**  
13 **LAS VEGAS METROPOLITAN POLICE**  
14 **DEPARTMENT and OFFICER JASON EVANS**

15 UNITED STATES DISTRICT COURT

16 DISTRICT OF NEVADA

17 ANTOINE HODGES, and ANNETTE  
18 HODGES, husband and wife,

19 Plaintiffs,  
vs.

20 LAS VEGAS METROPOLITAN POLICE  
21 DEPARTMENT, a political subdivision of the  
22 State of Nevada; SHERIFF DOUGLAS  
23 GILLESPIE, individually and as policy maker  
of Las Vegas Metropolitan Police Department;  
OFFICER JASON EVANS, individually; and  
DOE OFFICERS 1 through 10, inclusive;

24 Defendants.

Case No.: 2:13-cv-02014-JCM-NJK

Order granting

**DEFENDANTS' MOTION TO EXTEND  
DISPOSITIVE MOTION DEADLINE**

(1<sup>st</sup> Request)

25 Defendants, LAS VEGAS METROPOLITAN POLICE DEPARTMENT and OFFICER  
26 JASON EVANS (collectively "Defendants"), by and through their counsel, Kaempfer Crowell,  
27 hereby move for an Order extending the current dispositive motion deadline in this matter. This  
28 Motion is based on Federal Rule of Civil Procedure 26 and Local Rule 26-4, the pleadings and

1 papers on file herein, the following Memorandum of Points and Authorities and any such oral  
2 argument as may be set.

3 DATED this 5<sup>th</sup> day of January, 2016.

4 KAEMPFER CROWELL

5 By:

6 LYSSA S. ANDERSON (Nevada Bar No. 5781)

7 RYAN DANIELS (Nevada Bar No. 13094)

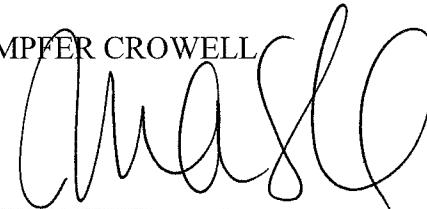
8 1980 Festival Plaza Drive, Suite 650

9 Las Vegas, Nevada 89135

10 **Attorneys for Defendants**

11 **LAS VEGAS METROPOLITAN POLICE**

12 **DEPARTMENT and OFFICER JASON EVANS**



## MEMORANDUM OF POINTS AND AUTHORITIES

### I. PROCEDURAL HISTORY

14 Plaintiffs Antoine and Annette Hodges ("Plaintiffs") initially filed suit through attorneys  
15 Cal Potter ("Potter") and Joseph Reiff ("Reiff") on November 1, 2013. [Docket No. 1.]  
16 Plaintiffs alleged various § 1983 and excessive force claims against Defendants related to the  
17 shooting of Plaintiff Antoine Hodges by Defendant Officer Jason Evans. On April 1, 2014, this  
18 Court stayed discovery pending the Clark County District Attorney's determination related to the  
19 shooting. [Docket No. 19.] On May 23, 2014, discovery in this matter re-commenced. [Docket  
20 No. 21.] On June 9, 2014, Defendant Sheriff Douglas Gillespie was dismissed. [Docket No.  
21 22.]

22 On July 8, 2015, Potter filed a Motion to Withdraw as Plaintiffs' Counsel. [Docket No.  
23 35.] The Motion was granted. [Docket No. 36.] Thereafter, on July 28, 2015, Reiff also sought  
24 to withdraw as Plaintiffs' attorney. [Docket No. 38.] On August 10, 2015, a hearing was held on

1 Reiff's Motion to Withdraw. The Court granted the Motion and directed that Plaintiffs must  
2 notify the Court of their retention of new counsel, or of their intent to proceed in Proper Person  
3 by September 9, 2015. [Docket No. 42.] In light of the foregoing, Defendants filed a Motion to  
4 Extend Discovery (5<sup>th</sup> Request). [Docket No. 43.] The Motion was granted and the new  
5 Scheduling Order provided for expert disclosures by October 26, 2015, all discovery would be  
6 completed by December 28, 2015, and the current dispositive motion deadline of January 27,  
7 2016. [Docket No. 44.]

8 On September 10, 2015, this Court issued a Minute Order pertaining to a September 9,  
9 2015 letter by Annette Hodges to the Court. [Docket No. 45.] The letter requested additional  
10 time to attempt to retain counsel. The Minute Order provided that the letter was not a Motion in  
11 proper format. [Docket No. 45.] No motion was filed on this issue by Plaintiffs. As such, on  
12 October 26, 2015, Defendants disclosed their expert reports. Additionally, prior to the close of  
13 discovery, Defendants conducted the depositions of both Plaintiffs and a witness.

14 On December 30, 2015, Plaintiffs filed a Motion to Reconsider this Court's Order  
15 allowing Plaintiffs' prior counsel to withdraw. [Docket No. 47.] On January 4, 2016, this Court  
16 denied the Motion and instructed Plaintiffs to retain new Counsel or proceed by January 26,  
17 2016. [Docket No. 48.]

18 **II. AN EXTENSION IS WARRANTED**

19 Good cause is shown for this extension due to the Procedural History. As detailed in the  
20 Procedural History above and as represented in various letters/pleadings filed by Plaintiffs, the  
21 Plaintiffs in this matter are currently not represented by an attorney and have not been able to  
22 retain a new attorney. Pursuant to this Court's prior Order, [Docket No. 42], Defendants sought  
23 an extension of discovery in this matter to provide Plaintiffs time to either retain new counsel or  
24 proceed with prosecuting their claims in proper person. Plaintiffs did neither. As such,

1 Defendants chose to proceed with discovery to preserve their defenses. After discovery closed,  
2 Plaintiffs asked this Court to reconsider its order allowing Plaintiffs' prior counsel to withdraw.  
3 While the Motion was denied by the Court, it has provided Plaintiffs additional time to retain  
4 new Counsel or proceed in proper person. Dispositive Motions are currently due January 27,  
5 2016, one day after the Court's deadline for Plaintiffs to advise if they will be retaining new  
6 Counsel. As such, Defendants request that this deadline be extended an additional thirty (30)  
7 days to see if Plaintiffs are able to retain new counsel. This instant request is timely pursuant to  
8 LR 26-4 and is being made more than twenty-one (21) days prior to the current deadline.  
9 Defendants are not attempting to delay this matter but rather are contemplating this Court's Order  
10 which allows Plaintiffs an additional opportunity to attempt to retain new Counsel.

11           **A. DISCOVERY.**

12           **1. Discovery Completed To Date.**

13           As stated above, all discovery in this matter has been completed and discovery closed on  
14 December 28, 2015.

15           **2. Discovery To Be Completed.**

16           No further discovery is necessary.

17           **3. Reasons Why Discovery Incomplete.**

18           Defendants were diligent in their efforts concerning discovery and have completed all  
19 discovery. Defendants simply request the deadline to file dispositive motions be extended an  
20 additional thirty (30) days to see if Plaintiffs retain new Counsel in accord with the deadlines  
21 imposed by this Court.

22           ///

23           ///

24           ///

#### **4. Proposed Dates.**

Defendants request that the Scheduling Order be amended to reflect the following:<sup>1</sup>

<u>Activity</u>	<u>Current Date</u>	<u>Proposed Date</u>
Dispositive Motions	January 27, 2016	February 26, 2016
Proposed Joint Pretrial Order	February 26, 2016	March 29, 2016

### III. CONCLUSION

Based upon the foregoing, Defendants request the Court extend the current dispositive motion deadline for an additional thirty (30) days.

DATED this 5<sup>th</sup> day of January, 2016.

KAEMPFER CROWELL

BY:

LYSSA S. ANDERSON (Nevada Bar No. 5781)

RYAN DANIELS (Nevada Bar No. 13094)

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Las Vegas Nevada 89135

**Attorneys for Defendants**

**ATTORNEYS FOR DEFENDANT  
LAS VEGAS METROPOLITAN POLICE  
DEPARTMENT and OFFICER JASON EVANS**

## **IT IS SO ORDERED.**

Dated: January 6, 2015

**NANCY J. KOPPE**  
United States Magistrate Judge

<sup>1</sup> Defendants are requesting an extension of the dispositive motion deadline, only, by thirty (30) days.

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing **DEFENDANTS' MOTION TO EXTEND  
DISPOSITIVE MOTION DEADLINE (1<sup>st</sup> Request)** was served via first class mail to each of  
the following:

5 Annette Hodges  
1915 Trilly Lane  
6 Las Vegas, NV 89156  
**Plaintiff in Proper Person**

7 Antoine Hodges  
8 #1142260  
9 High Desert State Prison  
P.O. Box 650  
Indian Springs, NV 89070  
10 **Plaintiff in Proper Person**

DATED this 5<sup>th</sup> day of January, 2016.

Becky Hildebrand

an employee of Kaempfer Crowell